

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
Wheeling**

**MARK McEVOY, et al.,**

Plaintiffs,

v.

**Civil Action No. 5:22-CV-171**  
Judge Bailey

**DIVERSIFIED ENERGY COMPANY PLC,  
et al.,**

Defendants.

**ORDER**


On April 19, 2023, plaintiffs filed a Notice of Voluntary Dismissal of Plaintiff Michelle Silvester [Doc. 224]. Therein, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), plaintiffs voluntarily dismiss without prejudice plaintiff Michelle Silvester because neither an Answer nor a Motion for Summary Judgment has been filed in this matter. Moreover, the dismissal comports with Rule 23(e) as there is currently no certified class, and there is no proposal for a class to be certified for purposes of settlement at this time.

Upon consideration, this Court hereby **DISMISSES WITHOUT PREJUDICE** plaintiff Michelle Silvester.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

**DATED:** April 24, 2023.



JOHN PRESTON BAILEY  
UNITED STATES DISTRICT JUDGE